

### REMARKS

#### Paragraphs 1-4 of the Office Action

Claim 1 is rejected under 35 USC §102(b) as being anticipated by Pearsall.

- 5 Claims 2-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pearsall in view of Gray.

Claim 1 has been amended to include the limitations of the peripheral wall being orientated perpendicular to the plane of the rim as is clearly shown in the Figures and to better define the structure of the bracket.

- 10 Gray has been cited for a peripheral wall extending above the plane of the rim. However, the ears 15 of Gray are each angled outwardly from the basketball rim on which it is positioned. Gray has done this for a unique purpose not shared by the applicant. Gray's device forces a player to use the rim in a manner that more generally ensures that a basketball shot will go through the rim. In particular, Gray's device allows
- 15 a shot to go in which would have gone in had the same shot hit the rim because the angle of Gray's device feeds the ball through the rim when the desired angle of shot is achieved. However, a shot that is slightly shallow will hit the upper edge of the ears and will thereby deflect the ball away from the rim. This will prevent shots from going in that may have otherwise been successful only due to a lucky bounce of the ball on the
- 20 rim. Thus, Gray's device teaches a player how to use the rim to their advantage by hitting it at an angle more likely to ensure a successful shot. Applicant's device, by extending upwardly above a plane of the rim and being orientated perpendicular to the plane of the rim, teaches a player to not use the rim at all but to make a shot clean of the rim. A player learning this method must be more accurate than Gray and will learn to not
- 25 use the rim as a crutch in making a shot. As applicant's device includes elements not found in Gray or Pearsall, it is believed that applicant's device is allowable over those citations.

- Alternatively, Pearsall has been cited for a bracket that includes threaded fasteners. However, the fasteners of Pearsall do not directly attach the Pearsall device to
- 30 the rim but attach a plurality of clips 15 to the rim which each include a spring 16. As stated within Pearsall, the clips are used to allow for relatively easy attachment to the rim.

Column 3, lines 16-20. This structure has two disadvantages not found in applicant's device. The first is that upon a ball striking the Pearsall device, the force of the ball can knock the clips off of the rim as the rim and the entire Pearsall device vibrates in response to being hit with the basketball. The second is that the springs will allow  
5 additional vibration of the rim which will lead to a "dead" rim where the basketball does not bounce on the rim with enough rebound force. This vibration will also create a relatively loud sound as the springs stretch and rebound. Applicant uses fasteners on which the rim actually sits so that the rim is secured between the flange and the fasteners. The fasteners of applicant's device are thus orientated parallel to the rim whereas  
10 Pearsall's fasteners are orientated perpendicular to the rim. This provides applicant's device with a more solid structure to ensure that rebound characteristics are more similar to those encountered when a player shoot at an unencumbered rim and will lead to a sound which is also more conventional. For these reasons it is respectfully submitted that the amended claims include limitations not found in the combination of Gray and Pearsall  
15 and therefore applicant's amended claim 1 and 11, and all claims depending from claim 1, are in condition for allowance.

Withdrawal of the rejection is respectfully requested by the applicant.


CONCLUSION

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In light of the foregoing amendments and remarks, early consideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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